

DTSC Policy for Removal of Hazardous Materials From Off-Highway Emergency Response Incidents

EMERGENCY REMOVAL ACTIONS:

Health and Safety Code, Section 25354 provides funding for the purpose of taking immediate corrective action necessary to remedy or prevent an emergency resulting from a fire, explosion, or human exposure to a release or threatened release of hazardous substances. This includes responding to "midnight dumping," uncontrolled or threatened releases of hazardous substances, spill situations involving an unknown responsible party, or an incident requiring stabilization or mitigation to prevent potential emergencies.

Requests for removal actions or other assistance can be made by contacting the DTSC Emergency Response Duty Officer.

Note: Pursuant to H&S Code Section 25353, DTSC will not perform emergency removal actions for incidents where a State or Federal governmental agency is the responsible party or otherwise has jurisdictional responsibility, unless special circumstances exist, such as an immediate danger of fire or explosion or significant threat to the environment.

TO REQUEST DTSC ASSISTANCE:

DTSC assistance for off-highway removal and disposal of hazardous materials may be requested by local agencies such as local health, environmental health, fire, or law enforcement agencies. A business or a private citizen concerned about hazardous materials, an emergency hazardous materials incident, or some abandoned hazardous materials, should contact one of the above-mentioned local government agencies.

A local government agency wanting to request DTSC assistance during normal work hours (Monday-Friday, 8:00 AM – 5:00 PM), should call the State Department of Toxic Substances Control (DTSC) at (800) 260-3972 or (916) 255-6504, and request to speak to the **DTSC Emergency Response Duty Officer**. Between 5:00 PM and 8:00 AM, weekends, or on holidays, call the Governor's Office of Emergency Services' (OES) Warning Control Center at (800) 852-7550. Notify OES of the incident and of the fact that you are requesting DTSC assistance for the emergency removal. They will contact the DTSC Emergency Response Duty Officer who will then contact you.

INFORMATION REQUIRED

Before requesting assistance, you should:

- 1) Determine if the material is a hazardous waste or hazardous substance.
- 2) Determine whether any containers are leaking, and the quantity released, if any.

- 3) HAZCAT (perform hazard categorization tests) to identify or categorize the hazards presented by the substances. **To qualify for State funding of a removal action, the substances must exhibit at least one of the following characteristics or criteria:**
 - **Toxicity**
 - **Corrosivity (A pH of 12.5 or higher, or a pH of 2.0 or less)**
 - **Reactivity to air or water**
 - **Flammability**
 - **Explosivity**
 - **Have some other characteristic that makes it a serious hazard to human health or the environment.**
- 4) Prepare an inventory of materials requiring removal, including approximate quantity, chemical name or type (hazard class), number and size and condition of containers, and approximate quantity or surface area of contaminated soil, if any.
- 5) Determine the location of the incident relative to waterways, public access, and nearest population.
- 6) Determine whether the property is publicly or privately owned (areas under the control of Indian reservations or federal or state agencies may not be eligible for funding).
- 7) Gather all available information regarding the **responsible party (RP)**.
- 8) Determine whether the RP (if known) is able or willing to pay.
Note: An attempt must be made to contact the RP (if known) and inform them of their responsibility to pay.
- 9) Determine whether the incident would be more appropriately handled and/or funded by another agency (See the Section entitled "Alternative Funding" below). If you are unsure or have questions about alternative funding sources, contact the Emergency Response Duty Officer.

THE DTSC EMERGENCY RESPONSE DUTY OFFICER

The **DTSC Emergency Response Duty Officer** (Emergency Response Duty Officer) will evaluate the above information to determine if the incident is eligible for an emergency removal action. If the incident qualifies for DTSC assistance:

- 1) The Emergency Response Duty Officer will contact and dispatch a contractor to perform the removal and disposal. **This is not a reimbursement program. Do not contact a local contractor and dispatch them on your own. If you do contact a contractor and request their services, your agency will be responsible for any costs incurred.**
- 2) The Emergency Response Duty Officer will establish the scope of work for the contractor. Any changes to the scope of work must be approved by the Emergency Response Duty Officer. **DTSC will not pay for work that was not authorized by the Emergency Response Duty Officer.**

- 3) The Emergency Response Duty Officer will provide you with an Emergency Response Expenditure Report (ERER) number, which must appear on all documentation submitted to DTSC.
- 4) DTSC's Emergency Response Unit will not conduct removals in situations that are not emergencies. The Emergency Response Duty Officer will only provide removal and disposal of those hazardous materials which meet one or more of the criteria specified in this policy document, and pose a threat to human health or the environment. If it is not an emergency, or does not pose a serious threat to human health or the environment, the incident will not qualify for DTSC assistance. If you are unsure whether a situation warrants a removal action, contact the Emergency Response Duty Officer and provide the required information. The Emergency Response Duty Officer will determine whether an emergency removal action is warranted.
- 5) If the incident exceeds the resources available from DTSC, the Emergency Response Duty Officer will contact the U.S. Environmental Protection Agency (USEPA) and request assistance.
- 6) If technical assistance is needed from DTSC, the Emergency Response Duty Officer will contact the appropriate staff and coordinate their involvement in the response. The DTSC Emergency Response Program will not perform site mitigation or remediation activities. If your agency requires state assistance in performing a remedial action at a hazardous waste site, the Emergency Response Duty Officer will assist in referring the request to the appropriate DTSC office.

The on-scene response personnel must attempt to identify the wastes involved by field testing (HAZCAT) or observation. If your agency cannot accomplish this task, the Emergency Response Duty Officer may send a contractor to perform that task, but will not be able to provide removal if the materials do not exhibit one or more of the HAZCAT characteristics specified in number 3 under "Information Required" above.

DOCUMENTATION

As a condition of receiving assistance from DTSC, the requesting agency is required to provide on-scene oversight, including documentation of removal actions. This includes filling out and signing the Off-Highway Emergency Removal Incident Report, and the Off-Highway Emergency Removal Work Log. The requesting agency must also sign the Hazardous Waste Manifest on the "Generator" line (Line 16).

The Off-Highway Emergency Removal Incident Report, Emergency Removal Work Log, and any other documentation should be mailed to DTSC within 10 working days of the initial request for DTSC assistance. All such information should be mailed to:

**DTSC, Emergency Response Unit
8800 Cal Center Drive
Sacramento, CA 95826**

For incidents not involving drug lab waste, the requesting agency is the Generator. In addition to signing on line 16 of the Manifest, the requesting agency's name and mailing address should be written or typed on line 3 of the Manifest. DTSC is not the Generator for these incidents, and so DTSC should not appear there. The requesting agency's main office phone number should go on line 4 of the Manifest.

SPECIAL POLICIES

ALTERNATIVE ASSISTANCE

- If there has been a release to fish or wildlife habitat, call State OES at (800) 852-7550 and request assistance from the Department of Fish and Game, Fish and Wildlife Pollution Account.
- If the incident is an oil spill, request assistance from the Department of Fish and Game Office of Oil Spill Prevention and Response, Oil Spill Response Trust Fund by calling (916) 445-0045.
- If there has been a release to surface or ground water, request assistance from the State Water Resources Control Board (SWRCB), Water Pollution Cleanup and Abatement Account by calling OES at (800) 852-7550 and requesting that they contact someone at the SWRCB.
- If the incident is on a State highway or within a State highway right-of-way, call OES at (800) 852-7550 and request assistance from the California Department of Transportation (CALTRANS).
- If the incident involves radioactive materials, call OES at (800) 852-7550 and request that OES call the State Department of Health Services (DHS) Duty Officer who will then contact the DHS Radiologic Health Branch.

EPA IDENTIFICATION NUMBERS

The agency requesting assistance for removal of hazardous wastes must include an EPA Identification (EPA ID) number on the manifest. Normally, the requesting agency will use the County's EPA ID number, which has the format: CAS 111 111 0XX, where XX is the County Number, between 1 and 58. The Emergency Response Duty Officer can provide this number to on-scene personnel.

If the responsible party is conducting a removal and needs an EPA ID number to manifest Non-RCRA waste, they may obtain a California EPA ID number by calling DTSC at (800) 618-6942 or (916) 255-1136, Monday – Friday, 8:00 AM to 5:00 PM. From 5:00 PM to 8:00 AM or on weekends or holidays etc, they can obtain a Temporary California EPA ID Number from the DTSC Emergency Response Duty Officer.

If a responsible party needs an EPA ID Number for RCRA waste, or for a combination of RCRA waste and Non-RCRA waste, they should call (800) 300-2193. Upon calling that number, the caller will hear a message which will direct them to press #1 to contact the National Response Center (NRC) if they have not yet reported the spill. If they have already made the spill notification, they should press #3 to contact the USEPA Region 9 Duty Officer who will provide the caller with an EPA ID Number for the RCRA waste.

INNOCENT LANDOWNERS

In instances where hazardous materials have been abandoned on property where the owner is clearly not the perpetrator and the materials do not have an identifiable owner, DTSC assistance may be requested from the Emergency Response Duty Officer.

GUARANTEE OF PAYMENT

If the responsible party (RP) wants to or is willing to pay for the emergency removal, the RP may contact the HazMat contractor of their choice to make arrangements. However, many contractors are unwilling to perform cleanup/removal actions for private RPs without some proof of their ability to pay. In the middle of the night or on weekends, it is often not possible for RPs to provide that sort of proof. In such situations involving RPs that **are** willing to pay, the Duty Officer may guarantee payment so that the contractor will be paid if the RP fails to pay the invoice. **The Duty Officer will only do this if the RP agrees to use one of the DTSC contractors.**

EXCLUDED MATERIALS

The emergency removal of the following materials involved in incidents will not be funded unless special circumstances exist which are determined by the DTSC Emergency Response Duty Officer to represent a significant threat to human health or the environment (e.g., the presence of PCB's must be confirmed by laboratory analysis):

- Waste oil (the mere presence of chlorine is not enough to demonstrate the presence of PCBs)
- Petroleum fuels (diesel, gasoline, crude oil, or any fraction thereof)
- Fuel tank spills from vehicular accidents
- Radioactive waste
- Infectious waste
- Latex paint
- Household hazardous waste/materials

RADIOACTIVE WASTE

DTSC does not handle radioactive materials. Radioactive wastes are handled by the State Department of Health Services Radiologic Health Branch. They should be contacted for assistance regarding an incident involving radioactive materials. They can be contacted Monday - Friday from 8:00AM – 5:00PM at (916) 445-0931 and after hours through OES.

INFECTIOUS WASTE

DTSC will not provide removal of infectious waste.

CYLINDERS

In situations where it is necessary to move cylinders to a nearby safe location for emergency treatment (venting, sparging, neutralization, etc) the DTSC contractor will only do so when escorted by representatives of a law enforcement agency. The DTSC contractor must transport cylinders in a manner that will ensure that all workers involved with the transport are not exposed to health and/or safety hazards enroute.

GOVERNMENT LAND

Indian reservations and properties owned by the Federal Government or by the State of California may not be eligible for emergency removal actions (H&S Code Section 25353). The specific agency in control of the property will bear responsibility for the removal unless a clear emergency exists which the responsible agency is unable to address in a proper and timely manner. In remote areas or other instances where ownership is uncertain, the Emergency Response Duty Officer may authorize a removal if a delay to verify ownership would create an endangerment.

ON-HIGHWAY SPILLS

Releases on State highways, or within State highway right-of-ways, will be handled by CALTRANS. Reports of such releases should be addressed to OES, who will in turn notify CALTRANS.

Revised: 8-25-2005